

From: [Jennifer Gaines](#)
To: [Gaines, Jennifer](#)
Subject: Fw: Liphatech voluntarily cancelling all non-compliant products
Date: Tuesday, March 25, 2014 6:53:08 AM

Jennifer Gaines
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U.S. Environmental Protection Agency
Insecticide-Rodenticide Branch
Registration Division (7505P)

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----- Forwarded by Jennifer Gaines/DC/USEPA/US on 03/25/2014 06:52 AM -----

From: Richard Keigwin/DC/USEPA/US
To: Kelly Sherman/DC/USEPA/US@EPA
Cc: Aaron Niman/DC/USEPA/US@EPA, Anita Pease/DC/USEPA/US@EPA, Arnet Jones/DC/USEPA/US@EPA, Brian Anderson/DC/USEPA/US@EPA, Christine Hartless/DC/USEPA/US@EPA, Colwell Cook/DC/USEPA/US@EPA, Dan Rosenblatt/DC/USEPA/US@EPA, David Berol/DC/USEPA/US@EPA, DavidJ Miller/DC/USEPA/US@EPA, Donald Brady/DC/USEPA/US@EPA, Elizabeth Riley/DC/USEPA/US@EPA, Jeff Evans/DC/USEPA/US@EPA, Jennifer Gaines/DC/USEPA/US@EPA, John Hebert/DC/USEPA/US@EPA, Khin Oo/DC/USEPA/US@EPA, Kristina Garber/DC/USEPA/US@EPA, Laura Parsons/DC/USEPA/US@EPA, Lois Rossi/DC/USEPA/US@EPA, Mark Hartman/DC/USEPA/US@EPA, Meredith Laws/DC/USEPA/US@EPA, Michael Goodis/DC/USEPA/US@EPA, Neil Anderson/DC/USEPA/US@EPA, Ray Kent/DC/USEPA/US@EPA, Robert Perlis/DC/USEPA/US@EPA, Russell Wasem/DC/USEPA/US@EPA, Scott Garrison/DC/USEPA/US@EPA, Shanna Recore/DC/USEPA/US@EPA, Steven Bradbury/DC/USEPA/US@EPA, Susan Lewis/DC/USEPA/US@EPA, Timothy Kiely/DC/USEPA/US@EPA, TJ Wyatt/DC/USEPA/US@EPA, William Jordan/DC/USEPA/US@EPA
Date: 01/15/2013 08:13 PM
Subject: Re: Liphatech voluntarily cancelling all non-compliant products

I mentioned to Steve during my general today that PRD was developing a batch 6(f) notice for several other products. If RD hasn't already started drafting the 6(f) notice for the Liphatech cancellations, we could just include these 3 products in the FRN we are drafting now.

-----Kelly Sherman/DC/USEPA/US wrote: -----

To: Steven Bradbury/DC/USEPA/US@EPA, William Jordan/DC/USEPA/US@EPA, Robert Perlis/DC/USEPA/US@EPA, Scott Garrison/DC/USEPA/US@EPA, David Berol/DC/USEPA/US@EPA, Richard Keigwin/DC/USEPA/US@EPA, Neil Anderson/DC/USEPA/US@EPA, Laura Parsons/DC/USEPA/US@EPA, Russell Wasem/DC/USEPA/US@EPA, Lois Rossi/DC/USEPA/US@EPA, Dan Rosenblatt/DC/USEPA/US@EPA, John Hebert/DC/USEPA/US@EPA, Meredith Laws/DC/USEPA/US@EPA, Donald Brady/DC/USEPA/US@EPA, Anita Pease/DC/USEPA/US@EPA, Susan Lewis/DC/USEPA/US@EPA, Mark Hartman/DC/USEPA/US@EPA, Michael Goodis/DC/USEPA/US@EPA
From: Kelly Sherman/DC/USEPA/US
Date: 01/14/2013 11:18AM
Cc: TJ Wyatt/DC/USEPA/US@EPA, Colwell Cook/DC/USEPA/US@EPA, Timothy Kiely/DC/USEPA/US@EPA, Arnet Jones/DC/USEPA/US@EPA, DavidJ Miller/DC/USEPA/US@EPA, Shanna Recore/DC/USEPA/US@EPA, Jeff Evans/DC/USEPA/US@EPA, Khin Oo/DC/USEPA/US@EPA, Aaron Niman/DC/USEPA/US@EPA, Ray Kent/DC/USEPA/US@EPA, Brian Anderson/DC/USEPA/US@EPA, Christine Hartless/DC/USEPA/US@EPA, Elizabeth Riley/DC/USEPA/US@EPA, Jennifer Gaines/DC/USEPA/US@EPA, Kristina Garber/DC/USEPA/US@EPA
Subject: Liphatech voluntarily cancelling all non-compliant products

I just received a phone call and the email message below from Tom Schmit at Liphatech, letting us know that Liphatech is voluntarily cancelling the 3 non-compliant Liphatech products. He said that they are willing to make the cancellation immediately effective and do not require a phase-out because they have not sold any of these products since the June 2011 deadline.

John Hebert is going to get back to Liphatech about the formal cancellation process, and will take care of the 6(f) process. So, Liphatech and the three products listed below can be removed from the NOIC.

Kelly Sherman
Immediate Office of the Director
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-8401

----- Forwarded by Kelly Sherman/DC/USEPA/US on 01/14/2013 10:58 AM -----

From: Thomas Schmit <SchmitT@liphatech.com>
To: Kelly Sherman/DC/USEPA/US@EPA
Date: 01/14/2013 10:53 AM
Subject: RE: Meeting on rodenticides

Kelly –

We would like to request immediate cancellation of the three non-compliant registrations that we currently hold:

EPA Reg. No. 7173-247, Generation Meal Bait Packs
EPA Reg. No. 7173-283, Difethialone Bait Station
EPA Reg. No. 7173-285, Difethialone 6G Paste Place Packs

I would normally send such a request to the Product Manager, but we would like to make your Tuesday deadline.

Please give me instructions on how and where to send this request.

Thanks –
Tom Schmit
Liphatech, Inc.

From: Sherman.Kelly@epamail.epa.gov [<mailto:Sherman.Kelly@epamail.epa.gov>]
Sent: Wednesday, January 09, 2013 12:15 PM

To: Thomas Schmit
Subject: RE: Meeting on rodenticides

Hi Tom:

I just wanted to confirm our meeting this Friday, January 11th at 11:00 am, in OPP's building in Crystal City (2777 S. Crystal Drive, Arlington, VA 22202). We will meet in conference room 12100.

When you arrive, please call me at 703-305-8401 or Margie Fehrenbach at 703-308-4775. One of us will escort you and Mr. Backstrom to the conference room.

Thanks and see you on Friday.

Kelly Sherman
Immediate Office of the Director
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-8401

▼ Thomas Schmit ---01/02/2013 08:44:34 AM---Hello Kelly - I will attend with our attorney, Mr. Tim Backstrom of Bergeson & Campbell.

From: Thomas Schmit <SchmitT@liphatech.com>
To: Kelly Sherman/DC/USEPA/US@EPA
Date: 01/02/2013 08:44 AM
Subject: RE: Meeting on rodenticides

Hello Kelly –

I will attend with our attorney, Mr. Tim Backstrom of Bergeson & Campbell.

Tom

From: Sherman.Kelly@epamail.epa.gov [<mailto:Sherman.Kelly@epamail.epa.gov>]
Sent: Friday, December 28, 2012 8:34 AM
To: Thomas Schmit
Subject: RE: Meeting on rodenticides

Tom,

Yes, the meeting will be in our Potomac Yards building at 2777 S. Crystal Drive, Arlington, VA 22202. We will meet on the 12th floor, in conference room 12100.

Will you be the only person attending? Thanks!

Kelly Sherman
Immediate Office of the Director
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-8401

▼ Thomas Schmit ---12/28/2012 09:17:29 AM---Kelly - Where is this meeting to be held -

From: Thomas Schmit <SchmitT@liphatech.com>
To: Kelly Sherman/DC/USEPA/US@EPA
Date: 12/28/2012 09:17 AM
Subject: RE: Meeting on rodenticides

Kelly -

Where is this meeting to be held -
in the Potomac Yards building or elsewhere?

Thanks - Tom

From: Sherman.Kelly@epamail.epa.gov [Sherman.Kelly@epamail.epa.gov]
Sent: Thursday, December 27, 2012 3:14 PM
To: Thomas Schmit
Subject: RE: Meeting on rodenticides

Hi Tom,

Thanks for getting back to me. The meeting will be from 11:00 am to 12:00 pm on Friday, January 11th. We will meet jointly with all three companies -- Liphatech, Spectrum, and Reckitt Benckiser.

EPA will also be meeting individually with Reckitt Benckiser from 10:00 to 10:30 am that same day to discuss a risk mitigation proposal that Reckitt provided to the Agency in October. The details of that proposal have been claimed as CBI, which is the reason for the separate meeting.

Please let me know, when you can, who will be attending on behalf of Liphatech. Will you be bringing legal representation? EPA attendees will include Steve Bradbury, Bill Jordan, Rick Keigwin, and Bob Perlis (Office of General Counsel), and likely a few others.

Thanks and Happy New Year.

Kelly Sherman
Immediate Office of the Director
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-8401

▼ Thomas Schmit ---12/27/2012 03:28:47 PM---Kelly - Friday 1/11 is fine, and I would prefer to meet in the morning.

From: Thomas Schmit <SchmitT@liphatech.com>
To: Kelly Sherman/DC/USEPA/US@EPA
Date: 12/27/2012 03:28 PM
Subject: RE: Meeting on rodenticides

Kelly -

Friday 1/11 is fine, and I would prefer to meet in the morning.
Again, please let me know as soon as you have firmed u0p the date and time!

Thanks - Tom

From: Sherman.Kelly@epamail.epa.gov [Sherman.Kelly@epamail.epa.gov]
Sent: Wednesday, December 26, 2012 1:52 PM
To: Thomas Schmit
Subject: RE: Meeting on rodenticides

Hi Tom,

Thanks for getting back to me. It looks like Friday, January 11th is the best day for the other two companies. Does that date work for you as well? If so, do you prefer morning or afternoon, or would either timeframe work? We are anticipating a relatively short meeting -- probably only about an hour.

Thank you,

Kelly Sherman
Immediate Office of the Director
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-8401

▼ Thomas Schmit ---12/26/2012 10:44:53 AM---Hello Kelly - I am able to attend a meeting on Januar 4 or any day of the following week.

From: Thomas Schmit <SchmitT@liphatech.com>
To: Kelly Sherman/DC/USEPA/US@EPA
Date: 12/26/2012 10:44 AM
Subject: RE: Meeting on rodenticides

Hello Kelly -

I am able to attend a meeting on Januar 4 or any day of the following week.
Please let me know a firm date & time as sson as possible.

Thanks -
Tom Schmit
Liphatech, Inc.

From: Sherman.Kelly@epamail.epa.gov [Sherman.Kelly@epamail.epa.gov]
Sent: Thursday, December 20, 2012 3:33 PM
To: Thomas Schmit
Subject: Meeting on rodenticides

Hi Tom,

Steve Bradbury (Director of the Office of Pesticide Programs) asked me to schedule a meeting with Liphatech to discuss next steps regarding the rodenticide products that were subject to EPA's 2011 draft Notice of Intent to Cancel. We recommend that both principals and legal counsel are present. We will also be inviting representatives from Reckitt Benckiser and Spectrum. EPA attendees will include Steve Bradbury, several members of his senior staff, and representatives from EPA's Office of General Counsel.

Our preferred date for this meeting is Friday, January 4th. If that doesn't work for you, please let us know which days during the following week (the week of January 7th) would work. Thank you.

Kelly Sherman
Immediate Office of the Director
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-8401